**THE HONOURABLE SRI BILAL NAZKI**

**THE ACTING CHIEF JUSTICE**

**AND**

**THE HONOURABLE SRI JUSTICE**

**R.SUBHASH REDDY**

-

**WRIT APPEAL No. 1870 OF 2005**

-

**Dated 3rd October, 2005**

-

Between:

K.Radhakrishna Swamy and another

--Appellants/Petitioners.

And

The Circle Inspector of Police,

P.S.Toopran, Medak District and others.

--Respondents/Respondents.

**ORAL JUDGMENT:**

(per The Honourable Sri Bilal Nazki, the Acting Chief Justice)

Heard the learned counsel for parties.

The appellants filed a writ petition seeking quashing of FIR bearing No.187 of 2005 of Toopran Police Station. The Writ Petition has been dismissed. Therefore, the Appeal.

The allegation against the petitioners appears to be that the petitioners are illegally

quarrying the sand and are using their vehicles for the same. With these allegations, FIR was lodged. The contention of the petitioners is that these allegations are false. They can prove through documentary evidence that their vehicles were not used for the purpose of illegal quarrying. Those are matters, which exactly the police is supposed to do during the investigation. This court is not supposed to investigate into the matter. Prima facie, FIR discloses commission of offence and the police is within its rights to investigate the matter. The defence, if any, available to the petitioners can also be placed before the Investigating agency.

The Writ Appeal is misconceived, and, is therefore, dismissed. No costs.

_____

BILAL NAZKI, ACJ.

3.10.2005.

_____

R.SUBHASH REDDY, J.

VR.